REMARKS

In the Office Action, the Examiner rejects the claims under 35 U.S.C. §102(e) and 35 U.S.C. §103(a). These rejections rely primarily upon U.S. Patent Publication No. 2003/0219113 to Bershad et al. Previously, applicant submitted a declaration under 37 C.F.R. §1.131 to establish a date of invention prior to the effective date of Bershad et al. The Examiner asserts that the evidence is insufficient to establish diligence from a date prior to the date of Bershad et al. to either a constructive reduction to practice or an actual reduction to practice of the claimed invention.

Enclosed is an additional declaration under 37 C.F.R. §1.131. This additional declaration establishes diligence from right before May 21, 2002, the priority date of Bershad et al., to the date of constructive reduction practice, July 4, 2002. Also enclosed are photocopies of the various exhibits referred to in the additional declaration.

It is submitted that the additional declaration, together with the exhibits, establish conception of the invention prior to the effective date of Bershad et al. coupled with due diligence from prior to the date of Bershad et al. to the subsequent filing of the application. Accordingly, it is submitted that Bershad et al. is not available as a prior art reference, and the rejections should be withdrawn.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: Jan 20 2006   By: _Mark J. Henry_

Mark J. Henry
Registration No. 36,162

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501